File No. 495
1986.

Collection No.

Pol
gf 98
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Impore Residency

37

Pros. Serial Nos. 1—14

199

Subject.

Empowering the second Magistrate in the C & M States to try cases under Act XIII of 1859 (Workmen's Breach of Contracts Act)
Appointing the same officer Munsiff with jurisdiction up to Rs 500/-

Previous References.

Later References.

7282/90

S. 97.

SGPI—827—25DOF—6-8-24—25,000.

1886.

RESIDENT'S OFFICE.

FILE No. 495 OF 1886.
Serial No 1.

From The District Magistrate C & M Station,
No. 448/66
Dated 3d August 1/86 Enc.
Received 5th do Spare copies.

Subject.

Empowering the Second Magistrate of the C & M Station to try Breach of Contract cases under Act XIII of 1859.

Notes and orders.

Serial No 1.

In the letter cited above, the District Magistrate of the C & M Station recommends that the 2d Magistrate of the Station - Mr Abdul Rahman - be empowered to try cases of breach of Contract under Act XIII of 1859.

2. In making the above recommendation, Major Malby does not state his reasons or the necessity

(Continuation of Note or Precis.)

that has arisen for investing the 2d Magte with the powers in question.

3. The Dt Magte now disposes of cases under Act 13 of 59 arising in the C & M Station. The Administration Report of the C & M station for the past 5 years, viz, since the rendition in 1881, furnish the following information as to the number of cases arising annually in the station.

	No of cases tried	No of cases involved
1881	1	1
1882	Nil	Nil
1883	Nil	Nil
1884	Nil	Nil
1885	7	9

It may also be noted here that the Criminal quarterly returns recd in the Residents' Court from the Dt Magte for the first two quarters of 1886 ending 31st March & 30th June respectively, show that there has not been a single case under act 13 of 59 during the past half year.

Thos

(Continuation of Note or Precis.)

This negatives the supposition that the number of cases latterly is increasing

4. Under these circumstances orders are solicited as to whether

(1) Major Maltby may be asked to report if any necessity has arisen for empowering the 2d Magte as recommended, or

(2) a notification may issue empowering the said Magte under Sec 5 of Act 13 of 59 to exercise such powers, power being given to Resident to issue such a notification under Sec 5 aforesaid, or

(3) On the data which the Administration Reports furnish, the matter may be deferred until actual need is shown for adopting the step recommended, & the 2d Magte informed accordingly

PSK
10.8.86.

5 Resident for favourable

SM
10/8

84

6. My only objection to granting the power is that I think the District may abridge the rights of the criminal work & the 2nd May a very serious is perhaps diminish otherwise their particular any an Eyes of which the Abdul Rahman would. deserve very satisfactorily.

7. How many statistics available showing the criminal work done by District May & 2nd May last year and in first 6 months of 1886 & its branch.

8 Perhaps that when Mr A Rahman was first appointed it was understood by him and 2nd class May have different on the file in his hands was discussed 11/8/86 - [illegible]

(Continuation of Note or Precis.)

9 With reference to the enquiry in para 7 above, the Criminal Justice Report of the Station for 1885 & the quarterly returns from the Sessions Judge for the two past quarters of 1886, show the following statistics in regard to the work disposed of by the 1st Magte & by the 2d. Magte of the Station.

Year	No of cases disposed of by 1st Magte	No of cases disposed of by 2d Magte
1885	1737	1705

1886 by both Courts 2139
i.e. 1159 for the 1st Magte
+ 986 for the 2nd Do
= 2139 cases
involving 3166 persons.

10 The Quarterly Returns do not show the number of cases disposed of by each Magte, but furnish only the aggregate number for both the Courts. ~~It may~~ But the number of persons dealt with by each Magte is given in the Returns, from which it is ascertained that the 1st Magte dealt with 339 persons, while the number of persons dealt with by 2d. Magte is 2767 for the first half of 1886.

11. With reference to para 8 of the note, files nos. 243 of 1885 & 379 of 1886

are submitted herewith. Serial No 21 of the former (243 of 1885) shows that Mr. Abdul Rahman was invested with 2nd. class powers on 13th January 1886 and Serial No 27 of the same File confers on him 1st class Powers on 8th March 1886 — Between these two dates he was specially appointed a 1st class Magistrate on 3rd Feb/86 to try a case of perjury, Sanction to prosecute having been given by the DL Magte who could not on that account try the case himself. File No 243 of 1885 does not give any more information as to the circumstances under which he was invested with 1st class powers. It is submitted that his first appointment was a 2nd class one

× date of his appointment as 2nd Magte

Serial No 2, File No 37 of 1886

PSK
13.8.86

12. Before I go to Record please see what Mr. A. Rao Sahib has to say. Was the reason for giving Md. A. Rahaman 1st Class powers as I see no mention of such reason in the letter on File

15/8/86

(Continuation of Note or Precis.)

13. In reply to the Asst Resident's query in the last preceding paragraph I respectfully beg to report that the Notification (No. 547/2435 dated the 5th March 1886) conferring Mr Abdul Rahman in his appointment of 2nd Magistrate and conferring upon him 1st Class Magisterial powers was drafted by me under Major Newill's instructions contained in the slip attached to S/ No. 27 in File No. 243 of 1885. Mr Gribble's reasons for conferring 1st Class powers on Mr Abdul Rahman have not been put in writing. One reason among others for conferring 1st Class Magisterial powers upon the 2nd Magistrate is that, under S. 244 of the Municipal

S/ No. 27 in File No. 243 of 1885

put up.

Regulations, prosecutions for Municipal offences have to be made before a Magistrate with full powers; and the Dt Magte cannot dispose of such cases as he is the President of the Municipality.

HC.
18/8/86

14 Power to try cases & breach of contract may be conferred upon Mr Abdul Rahman. Particulars of the original question in the file.

15 Action regarding the other question which has been raised incidentally. The facts stated are that as Mr Abdul Rahman has no work other than Magisterial to do. The tendency is for the Dist Mag to devote his time mainly to Municipal & miscellaneous work and to

(Continuation of Note or Precis.)

handover the greatbulk of the Magisterial work to the 2nd Mag. Maj Maltby told me so himself and said that the 2nd Mag ~~last~~ was worthless & otherwise than light worked But in my opinion it would be more satisfactory if and more in accordance with the intention with w^h the appointment was created if the Dist Mag took a larger share of the Magisterial work. This he could do without injury to his work as Pres. Mun. Mr and as Collector also. Part of his work as Pres^d of the Mun^l might I think be usefully devolved upon the Vice President & upon Members of the Board.
and if in this way the 2nd Mag was kept quite busy on his hands it occurs to me that civil judicial powers

~~200~~ Original Suits not of the nature of Suits of Small Cause Suits up to the value of say Rps 2000 or 3000 (the limit of Value of Munsiff's Power in Madras) might be entrusted to him. This would relieve the C.J.S. Judge who finds himself very much so at times when big cases civil & criminal happen to be instituted. It would also relieve the Resident of the hearing of a good number of Regular appeals in cases under Rps 2000 or 3000 in value. Most appeals are of a kind which ought not to require the Resident's time; and they would be better disposed of by the C.J.S. Judge.

Send this file to Col Bell & Maj Matthey & ask them to discuss the question

× 2500. as the limit in Madras.

P&L Regr.

Minute Paper 1/1916.

(Continuation of Note or Precis.)

17. Draft Notification submitted for approval with reference to para 14 above. —

PBL
20.8.86.

18. Note No. 2368/4956 of 20th August 1886 issued to the Publisher, Gazette of India, for publication & a copy of the same forwarded to the Dist. Magte. & C.I. Rly. for information. No. 2369/4956 of 20th Augt 86, G.R.

19. The file can now be sent to Major Swanston & Capt Hill as directed by the President.

WWW
23.8.86

WW
23/8

20 Seen on the above by Colr Mr. Hill and Sessions Judge.

21 I am aware that Mr. Abdul Rahman was vested with certain powers as a Magistrate to enable him to try some special cases which were not disposable by the District Magistrate himself.

but as I have represented officially on a former occasion it would be desirable that all cases in which Europeans and East Indians were concerned and all important cases which are triable by a District Magistrate & Vth Class Magistrate with full powers only should be ordinarily taken up by Deputy Collectors and not transferred to Sub Abdul Rahman. Were such a course strictly followed the criminal work would be more evenly divided although the bulk of it would still fall on the latter Officer.

22. Since I have assumed charge of my Court the work has considerably increased as may be seen by reference to the comparative statements which are referred to in the last annual report. Such heavy and continuous work is a severe strain upon my physical powers and I should be thankful were measures taken to relieve me of some portion of the clerical labour attending the disposal of summons petty cases. The simplest plan would be to

(Continuation of Note or Precis.)

appoint Mr. Abdul Rahman Registrar also of any Court under Sec 40 of the Small Cause Act XI of 1865 to dispose of cases under Rs 20 — in which suspensions were not conceived. By this arrangement I should be relieved of the disposal of 638 cases which occupy at present so much of my valuable time and a greater part of which are tried ex parte or on confession.

23. Were Mr. Abdul Rahman appointed Munsiff as proposed he would in his dual capacity be burdened with work as in addition to civil cases he would have to dispose of 1771 civil, several of which are keenly contested: and it would result in all his work being done in a perfunctory manner which would not give satisfaction to parties. From the remarks made I gather that it is the Resident's hope

that the Joint Judge would relieve him of the larger portion of the first appeals which are now brought forward before him but the appeals now bear but a small ratio to cases disposed of* and are of a class which would be touched on by a special appeal were special appeals admissable.

24 The arrangement which would meet with most acceptance by the public would be the appointment of the Supreme Judge of the Supreme Civil Court as Judicial Commissioner of the first and Military Station also: to which I conceive there would be no valid objection, since the Station, tho' handed over to the British Government for administrative purposes, is still an integral part of Burmese —

(not dictated) 4/9/86 Ofor? J Mill

* only 17 filed last year + 11th

25 Resident
8W
4/9

26 Chief Judge, Supreme Court Lower Burma
Comm. under Act
Judicial Commissioner

(Continuation of Note or Precis.)

27.

28.

(Continuation of Note or Precis.)

his opinion. See 5 C. S. C. Rep. 1 & 2 - 1

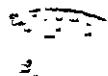
29. To Colombo
SW
6/9/86

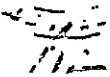
30. In order to relieve me to some extent of the heavy work which devolves on my Court the Sinhalese Jurisdiction as observed by the Resident would be to appoint G. Vardhana Chief Clerk of my Court as Registrar for the disposal of cases under Rs 20 — in which natives only are concerned. The suggestion made to appoint Mr. Abdul Rahman the Second Magistrate as Registrar was also in order to give him a proportionate amount of work.

31 It is does not appear desirable to relieve this Court of too large a share of the civil work. The largest proportion

of cases are of a petty nature as of the total number of suits last year viz 1,825, 638 were for Rs 20 and under; no less than 1247 of Rs 50 and under and 1277 of Rs 100 and under: thus were a munsiff appointed to try cases of Rs 50 and under he would relieve the court of 2/3rds of its present work.

32 It is true that the disposal of the above suits does not represent the whole of the court work as a large staff has to be maintained for processes and execution of writs. Execution cases numbered last year 1264 & miscellaneous 257 including insolvent By the constitution of the court the chief clerk relieves it of much trouble and correspondence in connection with the issue of





Dr. Nixon

Will come back to file & call Hill
when Comm rpts
pending Dr. Lynch's
remarks

SM
7/9

Keep the note attached
by you for reference -
I am not sure Mrs. Lynch has returned
it -

(1) It is respectfully submitted that Col: Hill has given the statistics for last year only while what the Resident wanted was statistics for the last 3 years.

(2) With reference to the last para of Col: Hill's notes, it is most respectfully submitted that though the 2nd Magistrate might not be invested with Civil Judicial powers to entertain all suits of the value of Rs 50 & under he may be invested with power to try such suits when referred to him by the Civil Judge.

Under the Civil Pro: Code, a Civil Judge can transfer cases to Munsifs & such of the cases as Col: Hill thinks might conveniently be tried by 2nd Magte so as to relieve Civil Judge of give work to the 2nd Magistrate when

SB

he has no work, may
with great advantage, be
referred to 2nd Magistrate's Mf
(3) The Chief Clerk of Civil
& Sessions Court may be
empowered to try Cases under
Rs 20, as Registrar of that Court.
in which natives
are concerned

PSK
8/9/86.

(Continuation of Note or Precis.)

processes which would devolve
on the Municipality were one
appointed. Therefore I am
not in favour of the
appointment of the 2d
Magistrate as Municipality, tho'
I think it would be well to
consider whether he might not
be appointed Registrar of the Court.

33, Were it deemed desirable
however to appoint any Chief
Clerk as Registrar in preference
some other work might be found
for the 2d Magistrate such as
Registrar - The Assistant might
well be appointed Treasury
Officer in that case, as customary
throughout India.

J Mill

8/9/86.

34 [illegible]

35

36

(Continuation of Note or Precis.)

~~Office~~ Clerk of Supreme Court, Clerk of Circuit Court, Clerk of Sessions was created and power was given to the Governor to appoint a Clerk of Court and a Register.

37 And additional duty is written to the Judge and Clerk of Circuit Court to send to the Governor his successor and such Court shall have such powers and duties as may be brought within its jurisdiction as fully as the Court of Common Pleas & a Register of S. C. is discharged as he is out of Clerk & Register under the Judge of the Judge who has the authority, power & control of his successor.

38 The following statistics are submitted as to the number of cases disposed of during the

Last three years

In 1885 - 1855 cases, of which 76 were original, 93 above Rs 500, and 1553 below Rs 500 -

In 1884 1220 cases of which 73 were original suits. 65 above Rs 500 and 1037 below above Rs 500 -

In 1883 1436 cases of which 93 were original suits, 67 above Rs 500 - and 1209 below Rs 500 -

The number of cases disposed of under Rs 20 was 638 in 1885, 495 in 1884 and 647 in 1883.

The litigation for the current year equals that for last year, 1319 suits having been filed up to date as against 1328 on the corresponding date in last year.

39. It may be observed that the suspension of appointment of a Registrar of the Court on its formation arose from the intention on the part of the authorities to wait till such an office was found to be needed. When the Court was one of small causes only, constituted under Act XI of 1865 it had a Registrar who has endeavoured to dispose of cases of Rs 20 and under. He was in receipt of a salary of Rs 400 - which was

(Continuation of Note or Precis.)

saved by the new arrangt.
In the event of the Chief Clerk
being appointed Registrar it may
be found eventually desirable to
increase his salary which is now
only Rs 120 — to that of a
Munsiff or Rs 200 — or give
him an increment of pay but
the matter may stand over till
the appointment is made. As
observed I can entrust his
work as he will dispose of petty
cases in the same building.

40. The Resident's orders
are needed also in respect to
any proposal that the 2d Magis-
trate should be appointed Sub
Registrar or Sudder also. It
appears to me desirable that the
Treasury Officer should be a better
paid official. The registration work
is on the increase and yields now
a considerable profit to Govt

J W Ll
Civil Judge

23/9/86 —

63

(Turn over

41. I note the reasons adopted by the Resident against the Appellate Court being attached to that of Bombay which are cogent. The only other feasible arrangement would be to place the Court under the High Court of Madras: but the number of important cases is very few.

42. Upon introduction the Evidence given in Civil suits was taken down in writing and thus in our suits, as in S.C. suits in S5, 2037 in S4 etc. suits not of a criminal nature, Small Cause suits, or do they include both S.C. suits and non S.C. suits

43. Of suits which is meant long suits 76 in S5, 73 in S4 and so on was original?

2777

25 a 50

44. What the Resident wanted was statistics for 1883, 1884 & 1885 of suits under Rs 500, not of the nature of small cause suits.

In para 38 the total number of suits disposed of by him (original + small causes) are given as follows & this, it is submitted, tallies with the figures in the last year's report.

	Total number of suits disposed of
1883	1436
1884	1220
1885	1815.

When the statistics goes on to say that the following number represents the original suits disposed of—

1883	93
1884	73
1885	76

} original suits

From this the natural inference will be that the remaining number represents the small cause suits, & that is to say, the following table will show the number of small cause ~~case~~ suits

1883	1343
1884	1147
1885	1739

} small cause suits

45. These figures, however, cannot, it is submitted, be correct, for, from

the reports of 1883, 1884 & 1885, the figures in the following table appear to be the correct figures

	Total disposed of		ordinary	Small Causes
1883	1436	This total is correctly given by C.D. Hill	160	1276
1884	1220		128	1092
1885	1815		176	1639

46. Accepting these figures as the correct ones, we may now go back to C.R. Hill's statistics in para 38 above. He says ~~93~~ 67 were above 500 in 1883
55 " " " in 1884
and 93 " " " in 1885

These suits cannot certainly be Small Cause Suits, for they are above Rs 500 in value & such suits can only be filed, registered & tried as original suits. And they are stated to exceed Rs 500 in value.

47. If now we deduct from the total number of <u>original suits</u> in para 45, the number of <u>Original Suits</u> above Rs 500 appearing in para 46, the result will, it is submitted, show the number of original suits <u>under Rs 500</u>. It is this: ——

(Continuation of Note or Precis.)

	Original Suits under 500 Rs.	Suits called Original by Col Hill
1883	93	93
1884	73	73
1885	83	76

This is, it is submitted, the information the Resident seems to require. It will be seen these figures nearly correspond to what Col Hill says are original Suits.

48. As to Small Cause Suits under Rs 20, Col: Hill gives the following figures. These figures must refer to Small Cause Suits, though Col: Hill does not expressly say so. That it seems to be so is gathered from para 22 of the note above, in which he says "by this "arrangement (ie making some one Regr "under the Small Cause Act to try Small "Cause Cases of ~~Rs 20~~ under Rs 20), "he would be relieved of 638 cases." The same figure 638 is given for 1885. Hence the number of Small Cause Suits under Rs 20 would be

1883	647
1884	495
1885	638.

49. Submitted
PSK
2.10.86.

50. An interpretation in the note is evidently correct in supposing it to be desirable that the 2nd Mag civil suits & Munsiffs shows in suits not exceeding Rs 500 in value under what laws can such powers be conferred. Please return

5/10/-

51. As directed in para 50 above, it is respectfully submitted that there seems to be no law in the C& in stations under which the Local Govt can confer civil powers on the 2d Magistrate to try original suits of Rs 500 & under. In Bengal there is the Civil Courts Act No VI of 1871 & in Madras, Act No 3 of 1873 called also the Civil Courts Act, according to which the Local Govt may exercise powers similar to those now in question. Even in Coorg there is the

(Continuation of Note or Precis.)

Civil Courts Regulation II of 1881 as amended by Reg I of 1883 By ~~under~~ Section 9 of ~~which, the Chief Commissioner may extend~~ the above Regulations, the jurisdiction of all Civil Courts is defined & a power is given to Chief Commissioner to extend the jurisdiction in certain cases. No such powers can be exercised by the Local Govt in the C & M station. But it is submitted the Govt of India might do so by a notification issued in the F Dept; as they did when appointing a Civil Judge for the C & M station & afterwards when they transferred the High Court powers to the Court of the Resident & they may be addressed regarding the expediency of providing some more work for the 2d Magistrate whose ~~work~~ Court, according to his own deposition in the Forl murder case, is open generally at 2 o. clock every day & also on the expediency

× F D. notification No. 126 F/2 dated 28th April 1881. An extract of which is put up below & marked X.

of appeals in petty cases being heard by the Civil Judge with liberty to the parties to prefer ~~Second appeals~~ when such are allowed by law. ~~the Residents' Court with~~ in the Residents' Court. Attention is also respectfully invited to para 27 of the Office note above in which it is stated that in Northern India, ~~they~~ are officers who are at the same time Munsifs & Magistrates deciding in the same Court both Civil & Criminal Cases. In some parts of Mysore Munsifs exercise along with their civil powers, Magisterial powers of a 2nd. class Magte in every also the Munsifs have 2nd class powers. BSK

BSK
13.10.86.

52 ~~Whether~~ Whether in India as in England the intention has been to make the Civil Judge who is also Sessions Judge in the original Court is occupied entirely with the duties of the Sessions Court & the Second Class Magistrate who has time to discharge judicial work in the Magisterial Court

(Continuation of Note or Precis.)

[illegible] I recommend [illegible] as an assessment [illegible] powers of a Municipality in [illegible] nature of small cases involving [illegible] £5 to £50 in value to be conferred upon [illegible] Mr Wright Robinson and [illegible] ~~Why is a very competent~~ ~~Chief Justice with clear decisions~~ ~~all from each Province to~~ ~~a Chief is what is most wanted~~ man for the work - The system of one and the same Judge exercising powers as Municipal and a Small Debts Judge is in force in Canada and in some other parts of America.

53. This arrangement will relieve the Chief Justice of about 100 civil suits in the year or perhaps more. This is merely what we will require but I suppose we should be advised to limit the powers of the Municipal courts [illegible] the Chief Justice now retains. During the Chief Justice's term of office 1915 Civil suits were entered 1039 were multifarious Civil suits and 176 suits not of the nature of small cases Contempts. [illegible]

This includes the work in the Munsiff's Court, and this work is in nearing approach from assignment orders of the Collector as Registrar, etc. This arrangement will also have the advantage of ordinary communication between the work of the Resident's Court, the Assistant Resident's Court and the Resident's work, which is the Original Court in respect to the assigned Trust and in Copy-Right matters, is also in respect to the assigned Trust

The first Appellate Court in all Civil suits, which is not determinable and is an arrangement does not exist at Hyderabad or elsewhere.

54. Draft letter in Tamil and a draft notification.

I.L. 10.8.6.

55. Before preparing Draft letter & draft notification ~~Submitted for approval~~, orders are ~~PSK~~ respectfully solicited on the following point:

Under the arrangement proposed, a second appeal will lie from the decisions of the Munsiff. In admitting second Appeals whether see 584 of the Code of Civil Procedure Code which allows such

(Continuation of Note or Precis.)

Second appeals on questions of law should be retained as it is, as is the case in British India, or whether an addition should be made thereto allowing second appeals even on questions of fact in which cases in which the finding of the lower appellate Court differs from that of the Court of the first instance, as is the case in Mysore, of which the C & M Station is an integral part. In the latter event, an additional paragraph will have to be written to the Govt of India requesting that the required addn may be made & a separate draft notification will have to be put up.

56. Submitted for orders.

PSK
18.10.66.

57 Are you sure this is the law in Mysore. I got it made the law in Coorg, but did not know it was the law in Mysore. If not law in Mysore it should not be law in the C & M.S.

18/10/66

58. I beg to submit that I sent for from the District Court here (Mysore), a copy of the Civil Procedure Code as it now is in force in Mysore & found the following addition in Sec 584 CPC.

"(d) an erroneous finding upon a material question of fact producing an error in

"in the decision on the merits in those
" cases in which, upon any such question
" of fact, the finding of the Appellate
" Court differs from that of the Court of the
" first instance.

59. This addition was of course submitted to Govt. of India & sanctioned by them.

60. How far the reasons which necessitated the above addition to the Province of Mysore, ~~having regard to the fact~~ apply to the C & M Station, is, it is respectfully submitted, a matter for consideration. The C & M Station is now becoming more & more allied to B. India than it is to Mysore. Appeals are now allowed to the Privy Council from the decisions of the Resident, while the decisions of the Chief Court of Mysore are final. Besides the Munsifs in Mysore exercise jurisdiction up to 1000 Rs, while the power now proposed to be conferred on the 2d grade is only up to 500 Rs. Hitherto the parties in such suits had the benefit of a hearing of two judges or Courts only, & by the proposed arrangement they will have the hearing of the Munsif, Civil Judge on appeal & also of Resident on Second appeal subject to provisions of Sec 584 as in the case in British India; if Sec 584 is to be ~~made~~ so modified as to allow an appeal even on a question of fact, the parties will virtually have the hearing of 3 Courts on questions

(Continuation of Note or Precis.)

of fact. The Civil Judge is a District Court within the meaning of CCP & stands on the same footing as DJ Judges in B. India. Except for the purpose of preserving uniformity bet Mysore & C & in statutes in this respect (which does not now exist), there seems to be no other reason, it is respectfully submitted, for following the Mysore rule. Submitted for orders.

PSK
18.10.86.

61. Draft notification under addition to the C.P. Code for print. Draft after ascertaining if wish to appointed in this district the Law of 2nd Appeal in C & M.S. to that in Mysore in which can then apply.

21/10/86

62. Draft letter to Govt of India & draft notification, Submitted for approval

PSK
21.10.86

In preparing the draft notification, no provision has been expressly made for second appeals lying to the Residents Court, as it seems to be unnecessary for the following reason:—

The present or proposed notification says that (i) appeals from the decrees & orders of the Munsif shall, when such appeals are

"allowed by law, lie to the Civil Judge".

The former notification no ~~1207~~ 126/P Serial no 3 in File 127/85 dated 28th April⊗ 1881, has the following:

(ii) "Appeals from the decrees & orders of
"the Civil Judge shall, when such
"appeals are allowed by law, lie
"to the Court of the Resident in Mysore"

⊗ as modified by Notification no 2170 J, dated 14th June 1882, Serial no 4 in File 127/85

When (i) & (ii) are read together, they convey the meaning that appeals lie from the Munsifs' decisions to the Civil Judge & from the Civil Judge's appellate decision to the Resident. The wording in the above two notifications (i) & (ii) does not restrict the nature of the ~~appeals to~~ decrees & orders to original decrees & orders and therefore make the general wording decrees & orders applicable to original as well as Appellate decrees & orders. The Bengal & Madras civil Courts Acts also have this general wording & make no specific provision for Second appeals. The Mysore Chief Courts Regulation, on the other hand, does make a specific provision for Second appeals & this is because the wording is altered therein as follows:—

(a) "Appeals from the decrees & orders of a
"Munsif shall lie to the D.C. Court"

(b) "Appeals from the decrees passed by a
"D.C. Court in original Suits & proceedings
"lie to the Chief Court of Mysore"

(c) Second appeals from decrees & orders passed by a D.C. Court in an appeal

(Continuation of Note or Precis.)

"appeal
" suit or proceeding shall lie to the Chief Court"

63. For the above reason it is respectfully submitted that the addition proposed in the draft Notification will suffice. Submitted for orders.
PSK
21.10.86.

64. I agree
22/10/86.

65. Letter to the Foreign Deptt. issued.
Serl No 3. No. 2896/4956 dated 29th October 1886.
BR

66. Under their endorsement No
Serl No 4. 4092.I. dated the 19th November 1886
the Govt of India for: Department
forward a Copy of their Notification
Serl No 4. No 4060.I. dated 16th November 86
Establishing the Court of Munsiff
in the C & M Station of Bangalore
and appointing the 2nd Magistrate
of that Station as the Presiding
Officer of that Court as recommend-
Serl No 3. ed in this office letter No 2896/4956
dated 29th October 86.

67. A Copy of this office letter
to India and that of the Notification
Referred to may, it is submitted, be
sent to the Civil Judge of C & M
Station for information and Com-
-munication

to the 2nd Magistrate.

Init.
BSK.
6.12.86.

Hyd. MC 12/12/86

68 Draft issued to the Civil Judge of the C & M station, Bangalore No. 3335/4956 dated 16th December 1886. Serl No 6
CR

69 Letter No 2232 dated 8th December 1886 from the Civil and Sessions Judge C & M station. Serial No 5.

With reference to Govt of India Notification Constituting a Munsiff's Court for C & M station, the C & S Judge requests to know whether the said Court may be opened from the 1st of the next Calendar year or from what date. Serl No 4.

70 He further states that as the Munsiff will only relieve him of 76 original suits without sharing any portion of Small Cause work, comparatively little relief would be afforded to him. He therefore requests that under Sec 15 of Act XL of 1865 the Munsiff may now be empowered by the Local Govt to try Cases of a Small Cause Nature upto Rs 20, whereby his Court will be relieved of 738 Cases in addition. He Concludes by saying that the question of the Munsiff's Establishment may be considered hereafter but that he may add that the hands in his Court are over worked as it is. X 0-8 for 1885

71. Attention is respectfully invited to para 37 above. Col: Hill does not propose, as he seems to have agreed to in para 39 above, the appointment of his Chief Clerk as Registrar of the Small cause Court under Sec 35 of Act XI of 1865, but he recommends that Mr. Abdul Rahman may be invested, under Sec 15 of the Act, with jurisdiction to try Small Cause cases of the value of Rs 20 & under

72. In Madras Presidency & it is believed in other Presidencies too, Munsifs ordinarily exercise Small cause powers up to 50 Rs & in ~~exceptional~~ some instances up to ~~Rs~~ 200 under Act XI of 1865. On the original side their jurisdiction in Madras extends to suits up to Rs 2500 in value and as Mr Abdul Rahman's power would be limited to 500 Rs, Small cause powers up to Rs 20, supposing it is thought desired to confer them on him, will not, it is submitted, be far out of proportion to those now exercised by Munsifs elsewhere save in Coorg where they exercise no Small cause powers at all.

73. Submitted for orders.

PSK 20-12-80 - 40

74. His file only reached one yesterday. Civil
Judging by reference sheet the work in
Col Hills Court can only be considered
heavy from the fact of his having other business
to attend to as well -

75. His Civil work for 1885 was as follows:

	Suits disposed of	Uncontested	Contested
Regular Civil	176	116	60
S.C. Court Cases	1639	266	1373
		382	

With a good Court Establishment uncontested cases
hardly ever take more than 10 minutes each, &
the total number of contested cases similarly
382. - Roughly one third of the Regular Civil
Cases are contested; it is generally noticeable

Regulation

Under such cases, of small values, as
those Simpson money claims
were frequently contested, and he may
assume that about 50% (of the 76 cases)
40 Fruitless disputes) will be removed
from the C. Courts file by the appt^z
of Commissioner recently made -

76. The Resident is evidently indisposed
to give the 2^nd Class S-E-Ch powers.
& it would hardly be safe to grant
this Jurisdiction to an Officer whose
capacity for Civil Justice would be gauged
by the Cases -

77. Moreover, before assuming to W. about
Rahmans Civil work, I must ascertain
what he will do as Commissr. I think
it would be as well to find out

precisely how many & what class of
cases be disposed of (at present) as a magistr of the
1st Class does — The monthly Statements
shewing such Criml Cases disposed of
by such magistr, which are usually furnished
Elsewhere, do not come in here — & the
Quarterly Statements give very little
detailed info: of this nature — & no particulars at all of
cases disposed of by sub magistr —
W. A. Rahman told me the other day that
if much Civil work were made over to him
it would be necessary to relieve him of some
of his Criminal work. I think therefore
that before passing orders on Mr Hill's
last letter, unless the Board wishes immediately to

repose sanction to the appt: asked for under
Sec 15 Sect XI of 1865 - we might ask for
some more complete info: respecting the State
of judicial business in the C. of Ch. Sh: than
the Office records now furnish -

78. The question was under consideration entirely
connected with that of providing Offices
in the Ct of Ch. Sh:
accomodation for judicial Officers - It
will, I imagine, be desirable that we
Rehouse the work in the same building
as that used by Col Hill; not only in
order to utilize the Staff; but also to
enable the 2 Judges to consult the Court
Dept & obtain assistance when necessary -

Serial 7.

In a D.O. letter I have just rec'd from Cork
I still be required that the Resd: inspect
the building Commrs - And the file on a
similar subject went to the President I think
yesterday -

79. It may also be noted that Section
15 Act 44 of 1865 appears to contemplate
that the investiture of J.P.s powers
be made either for a limited period or for
specific periods in each year, thereby
obviating, if any, extra duties be
imposed by the working of the Act.

21/12/86

DR

President

80. Referred to Legal Affairs No 2232 that after writing it he will have read my letter forwarding copy of the Viceroy's letter to Govt of India. From that letter he will have perceived that I had no intention of confining such cases Court Powers as the Second Magistrate ~~have Jurisdiction that~~ so does would be to throw upon him more civil judicial work than is advisable, as his main duties must continue to be those of Second Mag. Moreover the opinion that such cases Court Powers should be exercised only by Officers of Judges of higher position & training.

81. Expenditure. It is quite impossible to foresee any additional expenditure on this account. I consider that the duties of the 2nd Mag Court ought to be able to do the work as the DR presiding Officer will have to do. But if there is any difficulty about this I hope that Col Hill will be able to foresee some means of the sufficient assistance can be given by an alteration in the staff of this one Court

21/12/-

82. No comment to be sent for Viceroy's information arrangements can be made as to estate.

83. Draft to the Civil and Sessions judge submitted accordingly.

C. Lakshmana Rao
22-12-86. PSK.

84. Civil

85- Letter to the Civil & Sessions Judge. Sl: No 8
Cr Inspection. issued, dt: 3418/4556
dated 22: December 1886.
OR

86. Letter from the Civil & Sessions Judge Sl no 9
that the Municip reports that he opened
his Court from 1st Jan: 87.

87. Dfg: Residents' note. Sl no 10.

Assistant Resident

In connection with that file relating to reduction of establishment in the Cr Inspection I should be glad if you would consider the question recently started in some of the local newspapers as to whether the work of the Civil Judge is not so light that he could take a larger share of the civil work. - 28.7.87.

(Continuation of Note or Precis.)

87 File (Ind) DR 8/1/87

marked A in page 476 of the Gazette of India (Part up).

88 By Notfn No 33851 dated 15th August 1891, the Foreign Deptt cancelled their Notfn 40601 dated 16th November 1886 by which a Municipal court was created in the Civil & military Station of Bangalore & which Notfn further directed that appeals from decrees & orders of the Court of the Municipality should when such appeals are allowed by law, lie to the Civil Judge.

cl 4

89 The question then arises to which Court will appeals lie from the decrees of the Court of the Municipality passed before the 15th August 1891. No provision has been made by the Foreign Deptt in their

their recent Notifns 3385 I of 3397 I.

marked B in page 476 of the Gazette of Simla (put up)

90 Generally the subject of the creation & abolition of civil courts is regulated by special regulations or acts of the local Govts but in the civil & military station Notifns issued from the Foreign Dept supply the place of such an act or regulation for the civil & military station

91 Section 6 of the General Clauses * (put up)
Act 1 of 1868 lays down
"The repeal of any Statute, Act or Regulation, shall not affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced before the repealing act shall have come into operation."

92 The above underlineation is not in the original but the words underlined would. it is submitted be sufficient authority for appeals being admitted & heard by the new Dist Court which supplies the place of the old Dist Court. For so interpreting sec 6 it is only necessary to understand that the words "Act or Regulation" include "notice". And it has been already observed that the subject matter of the preceding Notice is generally dealt with by means of acts or Regulations.

93 The omission of the Foreign Dept in providing specially for appeals agst the decrees

passed by the Municipality of the Civ. & Mil. Station before 15th August 1891 can only be accounted for in the above manner.

94 If the above view be adopted orders might be issued that the Dist Judge do receive & dispose of appeals against the decrees passed by Abdul Rahman before 15th August 1891 or a reference be made to the Foreign Deptt.

95 Submitted for orders to the Asst Registr & the Resident
B.N.
Regr.
10-9-91 Regr. Are there any appeals disposed of?
M.D.
One has already been filed & some advocates are waiting for orders as to the Court in which they shd be filed. Mr Hayes moved in court last Saturday for orders on the subject. Regr B.N.

(Continuation of Note or Precis)

Recd. The Dist Judge in the proper person & hear appeals from the Munsiff Court. The Functy the latter Court to be abolished in no way interferes. Should that happened Dist Judge must hear these appeals: & do not think any reference to Govt is necessary.

If you agree necessary order can be issued

[illegible]

Let orders issue

[illegible]

10/9/91.

The one appeal filed agst the decree of the Munsiff has been returned for presentation in the Court of the Dist Judge & the advocates have been informed accordingly - No further action is necessary -

BR.
Regr
11-9-91

Mar[illegible] for binding not to be written on.

File No. 495/186

Office Note.

Letter No. 2526, dated the 18th August 1918
from the Dist. Magistrate, Cuttack & Bangalee

SUBJECT.

Trial of cases under the Workmen's Breach of Contract Act.

(1)

S. 12 of 71 149A/1909

In the Foreign Dept's Notn No. 2477-S.B. dated the 16th December 1910, a reference is invited to No. 8 on the First Schedule when the Workmen's Breach of Contract Act, XIII of 1859, was applied to the Cuttack district with further modifications and restrictions.

S. 45/a do.

But in the Foreign Dept's Notn No. 732-D, dated the 19th March 1918, which superseded the above Notn, in No. 7 on the first schedule certain modifications & restrictions were mentioned with regard to the applic of the Breach of Contract Act to the Cuttack District.

S. 65/a do.

In the latest Notn. of the kind under the Foreign Dept. Dept. No. 318-D, dated the 16th January 1917, applying the British enactments to the District, their modifications & restrictions are mentioned with reference to the Breach of Contract Act

S. 2

Resident's Notn No. 2368/4956 dated the 20th August 1886, gave power to the Second Magistrate of the District to exercise the powers vested in a Magistrate

S. 1.—B. P. B.—2-1917.—6,000

of Police under the Act.

This Notn seems to be
inconsistent with the modification
noted in Notn No. 318-D, dated the 16th Jan
1917, regarding the Bench of Contract Act
viz. "Reference to a "Magistrate of
Police" & "the Magistrate" shall be read
as referring to the "District Magistrate"

The modifications & restrictions
with regard to the appln of the Breach
of Contract Act seem to have
been introduced by the Govt of
India themselves.

The District Magistrate says
in his ltr. that it is desirable that
the Second Magistrate is given powers
in any cases under the Breach of
Contract Act.

It seems the number of
complaints filed under the Breach
of Contract Act is small.

Submitted for orders with a draft
to ~~whether the Govt of India may be~~ for approval.
addressed on the matter.

C.A.S. 26/4/'18

A.C. 29/4

I do not
see any
objection
to the
proposed
action.
2. V.

Issued No. 3244 dated 6th May 1918 S. 11.

Letter No. 1504-J.B., dated the 30th May 1918, S. 12
from the Govt of India, Foreign & Pol. Dept.

(2)

S. Please see pl. 11.

A notification may be issued cancelling
Notn No. 2368-4956, dated the 20th August 1886. S. 2.

Two drafts submitted for approval.

C.A.S. 5/6/'18

There

Notes-*continued*

Margin for binding not to be written on.

There is no need to empower the Second Magistrate under the Act, as, being a first class magistrate, he can exercise powers under the Act in virtue of the notification of the G. of I. now received

4p - 1

V.S. 5/6

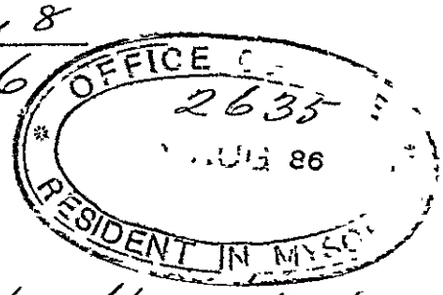
12/6

Sls 13-14.

Issued vide 4187-4188 & 15th November 4p8.

/

No 448
66



From

The District Magistrate

Civil and Military Station

Bangalore

To.

The Assistant to the Resident

in Mysore

Dated, Bangalore, 3d August 1886

Sir

I have the honor to suggest that the 2nd Magistrate be empowered to try breach of Contract cases under Act XIII of 1859. Sanction has to be given to him under Section 5 of the Act.

I have the honor to be

Sir

Your most Obedient Servant

District Magistrate

B.

Government of India
Foreign Department
Political
The 28th April 1881.

No 126 P.

× × ×

*C & M Station

Para(2). For the purpose of the exercise of Civil jurisdiction within the aforesaid lands* there shall be a Court of the Civil Judge, which shall be a District Court within the meaning of the Code of Civil Procedure for hearing original Suits, whatever be the amount or value of the subject matter, & the Judge whereof shall also exercise the jurisdiction of a Court of Small Causes under Act XI of 1865

Appeals from the decrees & orders of the Civil Judge, when such appeals are allowed by law, lie to the Court of the Chief Judge of Mysore, whose Court shall be deemed to be the High Court for the aforesaid lands.

× × ×

(Signed) A Colvile
Secy to the Govt of India

(Continuation of ~~Note or Precis~~.)

Forwarded Vide 8113 Ast Rr

To the Resident in Mysore.

No. 2368/4956 Notification.

Bangalore 20th August 1886.

Under the provisions of Sec: 5 of Act XIII of 1859 (An Act to provide for the punishment of breaches of Contract in certain cases) the 2d Magistrate of the Cantonment Bangalore, is appointed to Exercise within the limits of the said Cantonment the powers vested in a Magistrate of Police under that Act. —

By Order

SWJ 20/8 Asst Regt

To the Publisher, Govt: Gazette for publication.

No. 2369/4956. Copy forwarded to the Dy Magte for information with reference to his letter No. 448/66 dt 3d Augt 86. — By Order Asst Regt

Serial No 1.

PSK 2018.

3

RESIDENT'S OFFICE.

Serial No.

[DRAFT.]—For approval.

No. 2896 / 4956 Encl.

Dated, 29th October 1886.

To

the Secretary to the Govt of India
Foreign Department

Sir,

My attention has been ~~has been~~ drawn to the fact that the Civil and Sessions Judge of the C & M station who also exercises the jurisdiction of a Court of Small Causes under Act XI of 1865 is occasionally overworked, while on the other hand the District Magte who is also the Collector of the C & M station, and the 2nd Magte have between them time to dispose of more judicial work than their Magisterial duties entail. ~~business gives them.~~

2. I have the honor therefore to recommend that as an experiment the powers of a Munsiff for the trial of

civil suits which are not of the nature of Small Cause Suits and which do not exceed Rs. 500/ in value, be conferred upon Mr Abdul Rahman, the 2nd class Magistrate of C & M station who is, in my opinion, a very competent man for the work.

& the system of one and the same officer exercising the powers of a Munsiff and of a 2nd class Magte, is in force in Coorg and in some other parts of India.

Such an

3. & the arrangement suggested above will relieve the 6 and 5th Judge of about 100 civil suits in the year or perhaps less. This is probably all the relief which will be required by him, but if experience shows

it to be advisable, the limit of the powers of the Munsiff can be raised so as to give the more relief.

C & S Judge more relief. The C&S Judge disposed of 1815 Civil suits last year, of which 1639 were Small Cause suits, and 176 suits not of the nature of Small Causes. Besides this he has his work as a Sessions Judge, and other work of a miscellaneous character such as hearing appeals from assessment orders of the Collector, performing the functions of a Registrar &c

4 Another advantage of this plan will be to reduce in some measure.

by the arrangement suggested will also have the advantage of reducing somewhat the Civil Appellate work of the

Residents' Court) which, in addition
to being the High Court for
the Assigned Tract and for
Coorg, is also in respect of the
former the first Appellate Court
in all Civil Suits of however
small value — a state of things
~~which is~~ not desirable, and
~~which does not obtain~~ at
Hyderabad or elsewhere.
5. A draft Notification is herewith
submitted for the Government's
sanction.

H. M. Smith
Resident.

PSK
21.10.86

Rch 5 c7

Draft notification

In continuation of the Foreign Department Notifications Nos 126 & 127 of 1885 (Serial no 3 in File No [illegible] Slip marked A in the same file) and 2170 I dated respectively the 28th April 1881 and 14th June 1884, the Governor-General in Council is pleased to issue the following notification

(1) For the purpose of the better exercise of Civil jurisdiction within the Civil & Military Station of Bangalore, there shall be a Court of the Munsif ~~presided over by the Second Magistrate~~ subordinate to the Court of the Civil Judge, with jurisdiction to try all original suits in which the amount or value of the subject-matter does not exceed Rs 500.

Appeals from the decrees & orders of the Munsif shall, when such appeals are allowed by law, lie to the Civil Judge.

PSK 18.10.86

~~(2) In Section 582 of the Code of Civil~~

Issue of Notification for the exercise of Civil Jurisdiction by the Second Class Magistrate at Bangalore as a Munsif in this court.

(Copy)

No 4060 I

Foreign Department

Simla the 16th November 1886.

OFFICE OF THE
3865
20 NOV 86
RESIDENT IN MYSORE.

See P.C. 282
Home N.C.
N 5381/5 15
August 1887

Ser. C No. 2 of file
127 / 1885.

Serl No 19 of do-
do

Notification

In continuation of the Foreign Department Notifications No. 126 J. P. and 2070 I, dated respectively the 28th April 1881 and 12th June 1884, and in exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act XXI of 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following notification :-

1. In addition to the Courts constituted for the Civil and Military Station of Bangalore by existing notifications, there shall be a Court of the Munsiff Subordinate to the Court of the Civil Judge, with jurisdiction to try all original suits in which the amount or value of the Subject-matter does not exceed Rs. 500.

2. The second Magistrate of the said Station for the time being shall be the presiding

officer

Officer of the Court of the Munsiff.

3. Appeals from the decrees and orders of the Court of the Munsiffs shall, when such appeals are allowed by law, lie to the Civil Judge.

(sd) W. J. Cunningham
for Secy: to the Govt: of India.

No 4092 J

Copy forwarded to the Resident in Mysore, for information, with reference to his letter No 2896/4956, dated the 29th October 1886. Ser L No 3.

By Order &c.

Junior Under Secretary
to the Govt: of India

Foreign Department,
Simla,
The 19th November 1886.

J.E.D.

No. 4060-I., dated Simla, 16th November 1886.

NOTIFICATION—By the Government of India, Foreign Department.

In continuation of the Foreign Department Notifications Nos. 126-G.P. and 2170-I., dated respectively the 28th April 1881 and 12th June 1884, and in exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act XXI of 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following notification :—

1. In addition to the Courts constituted for the Civil and Military Station of Bangalore by existing notifications, there shall be a Court of the Munsif subordinate to the Court of the Civil Judge, with jurisdiction to try all original suits in which the amount or value of the subject-matter does not exceed Rs. 500.

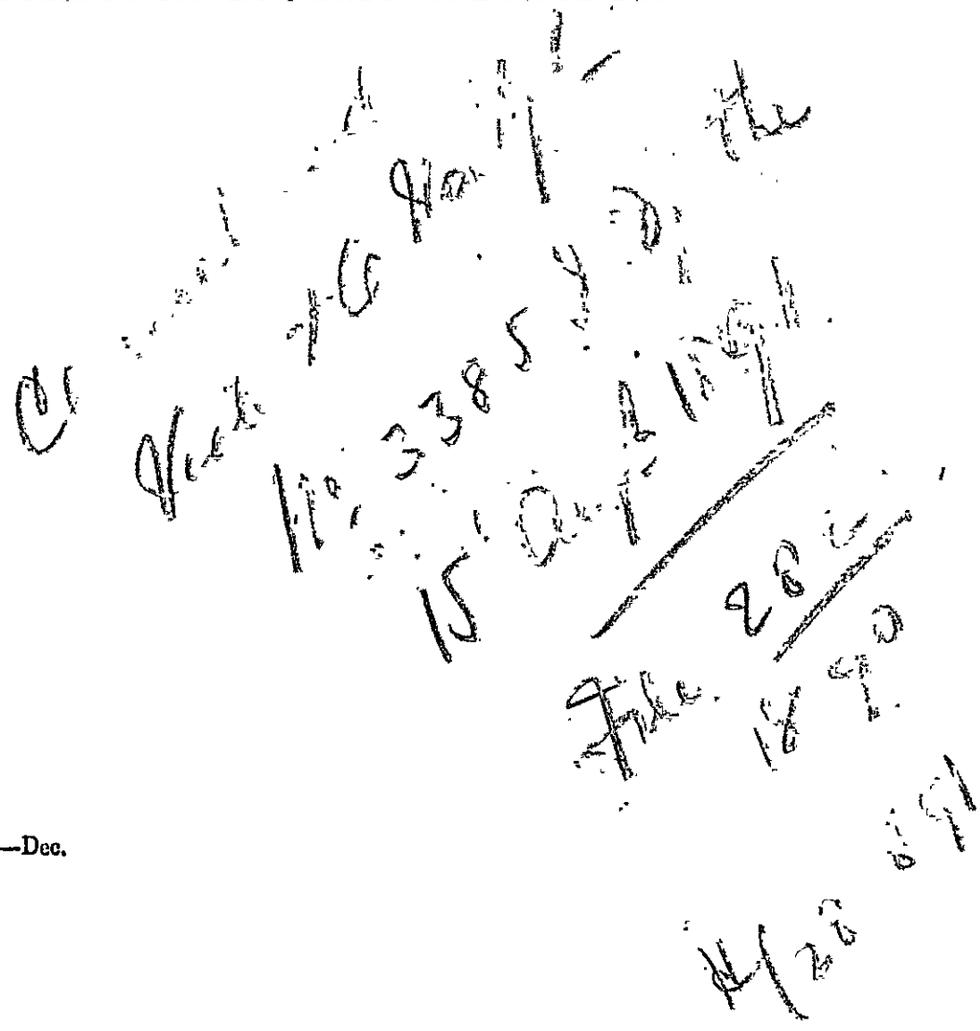
2. The Second Magistrate of the said station for the time being shall be the presiding officer of the Court of the Munsif.

3. Appeals from the decrees and orders of the Court of the Munsif shall, when such appeals are allowed by law, lie to the Civil Judge.

No. 4092-I., dated Simla, 19th November 1886.

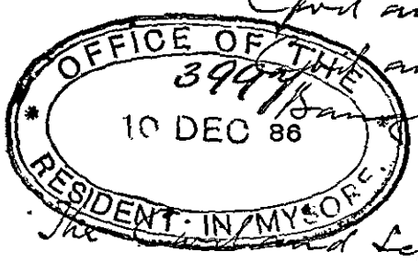
Endorsed by Foreign Department.

Copy forwarded to the Resident in Mysore for information with reference to his letter No. 2896-4956, dated the 29th October 1886.



Civil and Sessions Court
and Military Station
Bangalore 8th December
1886.

No: 2232



From,

The Civil and Sessions Judge
Civil and Military Station,
Bangalore.

To,

The Assistant
to the Resident in Mysore
Bangalore.

Sir,

Adverting to Notification of the Government of India as published in page 695 Part I of the Gazette of the 20th November 1886, I have the honor to request to be favored with orders as to whether the Munsiff's Court may be opened from the 1st of the next calendar year or from what date.

2. As the Judge of this Court is empowered to dispose of cases of a small cause nature upto Rs 500—"—" under Act XI of 1865 the work devolving on the Munsiff, who is empowered to dispose of cases upto that sum must necessarily be confined to original cases, which numbered only 76 last year; thereby affording comparatively little relief to this

this Court. I request therefore that under section 15 of Act XI of 1865 he may now be empowered by the Local Government to dispose of cases of a small cause nature upto Rs 20—"—, whereby this Court would be relieved of 738 cases in addition.

3. The question of his establishment may be considered hereafter. I may however mention that the hands in this Court are overworked as it is.

I have the honor to be,
Sir,
Your most obedient servant.

J Mill

Civil and Sessions Judge.

Serial No. 6

RESIDENT'S OFFICE.

[DRAFT.]—For approval.

No. 3335/4956 Enc 1.

16. Dec.
Dated ~~Nov~~ 1886.

~~To~~

Notification of the Government of India, For: Dept., No 4060 J dated the 16th November 1886, Sanctioning the establishment of the Court of a Munsiff in the C & M Stn: of Bangalore with jurisdiction to try all original suits of which the value does not exceed 500 Rs, and appointing the 2nd Magistrate of the station to be the presiding officer of that Court for the time.—

———o———

Serial No. 4 Copy of the above together with a copy
Serial No. 3 of this office letter No. 2896/4956 dated 29th October 1886 to the Secretary to the Govt. of India in the For: Dept. forwarded to the Civil Judge of the C & M Stn Bangalore for information and communication to the 2nd Magistrate.

"B. Rice"
D C
Asst Resident

Mysore Resident's Office
Dy Bangalore 16th Dec: 86 } 22 PSK 13.12.86.

6

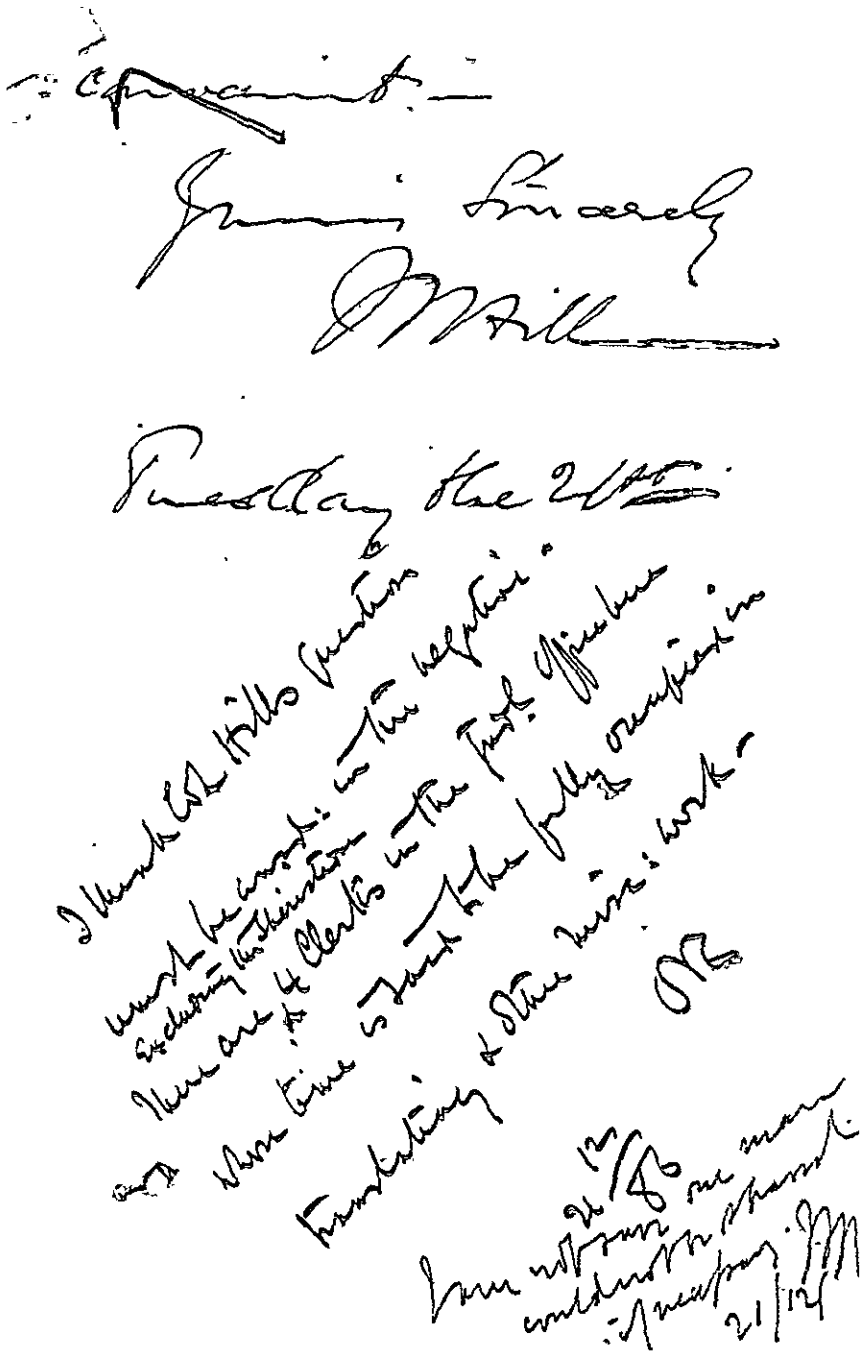
My dear Robertson

Will you kindly obtain the Resident's orders in respect to the Sheriff opening his Court from the 1st Proc as proposed.

My Process exhibit may be made use of for the service of processes till we can judge what extra exhibit will be needed.

dictum of the Plaintiff -

I should like also if the reference about the proposed removal of the Plaintiff & the premises of this Court could be disposed of simultaneously before the X'mas holidays. Mr. Lyall expressed a wish to inspect the building, and might do so tomorrow at 11 if



NT'S OFFICE.

Serial No. 8

[DRAFT.]—For approval.

No. 3418/495-6

Dated 22nd Dec 1886.
3'45. pm

Issued

To

The Civil and Sessions Judge
Civil and Mily Station,
Bangalore.

Sir,

Serial 5.

I am directed to acknowledge the receipt of your letter No. 2232 dated the 8th instant, requesting that orders may be passed as to the date of the opening of the Munsiff's Court in the Station, and proposing that the next Munsiff should be empowered to dispose of ~~Cases of~~ Small Cause Suits ~~not exceeding~~ up to ~~Rs~~ 20 Rupees.

2. Since writing the letter under reply you will have received this office

17

Endorsement No. $\frac{3335}{4956}$ dated Serial 1
16th instant, forwarding Copy
of the Notification of the Govt
of India, F.D; No. 4060. g, dated Serial 4
the 16th November 1886, and of the
Resident's letter No. $\frac{2896}{4956}$ dated Serial 3
29th October last, to the Government
of India. From the Resident's
letter to Foreign Department
you will have perceived
that he had no intention of
Conferring Small Cause
powers on the second
Magistrate. In do so,
We I shall think would be
to throw upon this ~~2nd Magistrate~~ 2nd Assistant
more Civil judicial work
than is advisable, as his
main office and chief
duties must continue to
be

be those of second Magistrate. Moreover the Resident is of opinion that Small Cause Court powers should be exercised only by officers or judges of higher position and training.

3. In regard to the Establishment of the new Mounsiff's Court I am to say that it is quite impossible to propose any additional expenditure on that account. The Resident Considers that the clerks of the 2d Magistrate's Court ought to be able to do the work as the presiding officer will have to do; if there is any difficulty in this, the Legislature hopes that you will

will be able to propose some measure by which sufficient assistance can be given to the 2d Magistrate by an alteration in the staff of your own Court.

4. In Conclusion I am to say that the Mussieff Court in the Station may be opened from the 1st of January 1887 if the necessary arrangements can be made for the Establishments may be spared by that date.

I have &c.

asstt to the Resident.

C. Lakshmankar
22-12-86.

3947 4?:5=6

No. 29

Civil and Sessions Court
Civil and Military Station
Bangalore 7th January 1887.

From,

The Civil and Sessions Judge,
Civil and Military Station,
Bangalore

To,

The Assistant
to the Resident in Mysore,
Bangalore.

Sir,

I have the honor to forward for the Resident's information copy of letter No. 1 dated 1st January 1887 from the Munsiff Civil and Military Station Bangalore reporting that he has opened his Court from 1st January 1887.

I have the honor to be,
Sir,
Your most obedient servant

Civil and Sessions Judge.

1/6

Encl: to Pl: 9

No. 1. Munsiff's Court
Civil and Military Station
Bangalore, 2nd January 1887.

To, The Civil Judge
Civil and Military Station
Bangalore.

Sir,

In continuation of my letter No. 286 dated 23rd December 1886, I have the honor to report that I have this day opened the Munsiff's Court as directed in the Resident's Letter No. 3418/4956 dated 22nd December 1886.

I have &c.

/Signed./ Abdul Rahman.
Officer in Charge of
Munsiff's Court C & M Station

"Copy."

G. Nevill
Civil and Sessions Judge.

486

No. 2526 Eml.

Office of the District Magistrate,
C. & M. Station, Bangalore.
Dated, 18th April 1918.

RESIDENCY OF MYSORE
BANGALORE
Register No. 2825X
Date of Receipt 22-4-18
Page No. HS 5/1926

From

T. J. Tasker, Esq., I.C.S.,
District Magistrate,
C. & M. Station, Bangalore.

To

Major E. H. S. James,
First Assistant to the Hon'ble the Resident in Mysore, Bangalore.

Sir,

In inviting a reference to the Notification No.2368/4956, dated 20th August 1886, (copy enclosed for ready reference) issued by the Hon'ble the Resident in Mysore under the provisions of Sec.5 of the Workmen's Breach of Contract Act, 1859 (XIII of 1859), I have the honor to state that that Notification appears to have been issued when the whole Act was in force and the Second Magistrate of the Station empowered to take cognizance of cases under the said Act until 19-3-13 when Notification No.2477-I.B., dated 16th December 1910 of the Government of India in the Foreign Department was superceded by Notification No.732-D, dated 19th March 1913, under which some omissions and modifications to the Act have been made. This Notification of the Hon'ble the Resident in Mysore seems to cease to operate from 19th March 1913 with the result that the Second Magistrate is not competent to take cognizance of cases under the said Act, as references to a "Magistrate of Police" and "the magistrate" in the Act is to be read as referring to the District Magistrate, In the recent Notification No.318-D, dated 16th January 1917 also, the omissions and modifications have been continued.

It is desirable that the Second Magistrate possesses the power originally granted to him under the above Notification to try cases under the Act and I request that the Hon'ble the Resident will

consider addressing the Government of India to alter the words "District Magistrate" in "Further modifications and restrictions" No.3 under the Workmen's Breach of Contract Act, 1859 (XIII of 1859) to " Magistrate of the First Class".

I have the honor to be,

Sir,

Your most obedient servant,

District Magistrate.

14/4/16

N O T I F I C A T I O N.

No. 2368/4956 dated the 20th August 1886.

Under the provisions of section (5) of Act XIII of 1859 (an act to provide for the punishment of breaches of contract in certain cases) the 2nd Magistrate of the Civil and Military Station, Bangalore, is appointed to exercise, within the limits of the said Station, the powers vested in a Magistrate of Police under that Act.

By Order

Sd/- E. A. Fraser,
Major
Assistant to the Resident.

"Copy"

Sd/- Henry Clarke,
Registrar, Resident's Office.

C O P Y

M.D. Thiruvengadachari
SHERISTADAR

18/4/08

S. S.—R. P. B.—2-1918.—10,000.

7 49
'86

[DRAFT.]

From

The Hon. Mr. H.V. Cobb, C.S.I, C.I.E,
Resident in Mysore

To

10—32442—2

The Sec. Secretary to the Govt of India,
Foreign & Pol Dept.

D/ 6th May 1918.

Sir,

I have the honour to address you regarding the Workmen's Breach of Contract Act, XIII of 1859, as applied to the C.M.Station of Bangalore.

2. The Act was applied to the station without modifications by the Foreign Depts Notn No 2252-9, dated the 7th August 1883. By the Notn No 2368/4986 dated the 20th August 1886 the Resident appointed the Second Magistrate of the Station to exercise the powers vested in a Magistrate of Police under the Act. Four certain modifications and restrictions were introduced for the first time in the Foreign Depts Notn No 732-D, dated the 19th March 1913, with regard

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× Copy enclosed

S.2

S.45/a of 7 149A/1907

regard to the application of the Act to the Station. Inter alia references to a "Magistrate of Police" and the "Magistrate" were declared to refer to the District Magistrate. As a result the Resident's Notn referred to above empowering the Second Magistrate to try cases under the Act ceased to have effect from the 19th March 1913.

In the latest notification of the Foreign & Pol. Dept., viz. No. 318-D, dated the 16th January 1917, the modifications and restrictions mentioned in the Foreign Dept's Notn No. 732-D, dated the 19th March 1913, have been retained.

it is not clear from record —

S. 65 of A 149 A

3. The District Magistrate of the Station, with his multifarious duties, cannot find time to deal with all cases arising under the Act, and I consider it desirable that Second Magistrate should be invested with powers to try such cases as before. I submit the draft for the orders of the Hon'ble Member and enclose a draft notn for publication, if approved.

Shan, C.

Hon'ble

CAB. 9/4/18

AS 29/4

Resident

S. S.—H. P. B.—2-1918.—10,000.

11/a

[DRAFT.]

From Govt. of India

Foreign & Pol. Dept.

To

Notification

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that the following amendment be made in the Notn. of the Govt. of India in the Foreign & Pol. Dept., No. 318-D, dated the 16th January 1917, applying certain enactments in the Cantt. of Bangalore:

S. 65. a 7 149A 1909.

"In para 3 of column 2 against entry 6 (the Workmen's Breach of Contracts) Schedule, for the words "District Magistrate" the words "a Magistrate of the first class" shall be substituted.

or such other magistrate as the Resident may designate for the purpose"

Clerk 26/4/18

26/4/18

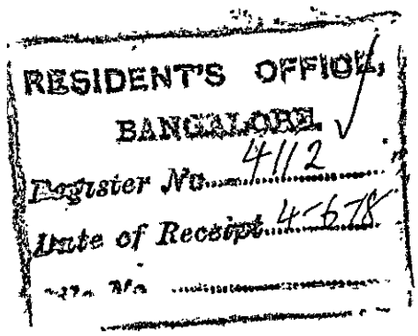
4/5/18

No. 1504 -I.B.

From

The Deputy Secretary to the Government of India
in the Foreign and Political Department,

To



The Hon'ble Mr. H.V. Cobb, C.S.I., C.I.E.,
Resident in Mysore.

Dated Simla, the 30th May 1918.

Sir,

With reference to your letter, No. 3244, dated the 6th May 1918, I am directed to forward a copy of a notification making a further modification in the Workman's Breach No. 1503 -I.B., dated the 30th May 1918. of Contract Act, XIII of 1859, as applied to the Civil and Military Station of Bangalore.

2. You will no doubt issue a fresh notification in supersession of Residency notification, No. 2368-4956, dated the 20th August 1886, which was issued under section 5 of the Act as applied, as that section is not now in force in the Civil and Military Station..

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Secretary to the Government of India.

5

Copy.

12

No. 1503 -I.B.

Government of India,

Foreign and Political Department.

Simla, the 30th May 1918.

N O T I F I C A T I O N.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following further amendment shall be made in the Schedule to the notification of the Government of India in the Foreign and Political Department, No. 318-D., dated the 16th January 1917, applying certain enactments to the Civil and Military Station of Bangalore, namely:-

S.65 a 1 7 149A Cog

"In modification 3 against entry No.6 The Workman's Breach of Contract Act 1859 (XIII of 1859), for the words "District Magistrate", the words "a Magistrate of the First Class or such other magistrate as the Resident may designate for the purpose", shall be substituted.

Sd. J.B. Wood,

Secretary to the Government of India.

True Copy.

Supdt., Foreign and Political Department.

—R. P. B.—2-1918.—10,000.

[DRAFT.]

From

The Hon'ble the Resident in Mysore

To Notification

No. , dated Bangalore the 1918.

No 24
of 14th June 1918

The Hon'ble the Resident is pleased to direct that his Notn. No. 2368-4956, dated the 20th August 1886, which was issued under Section 5 of the Workman's Breach of Contract Act, 1859 (XIII of 1859), empowering the Second Magistrate of the C.M. Station of Bangalore to exercise the powers vested in a Magistrate of Police under the Act be cancelled.

S. 2

for Resident.

To be published in the Mysore Gazette.

Residency Orders.

3 N.

(*Continuation of Draft.*)

No 41888 D/15 — b — 18.

— A copy of the foregoing note is forwarded with the District Magistrate, C.H., Station Bangalore, for information

Arthur Richard
for Chief Secretary

C.K.S.
5/6/18

V.P.
5/6.

S.
5/6/18

R. O. 178. (a) —R. P. B.—1-1918.—1,500.

MYSORE RESIDENT'S OFFICE,

Bangalore, 15 June 1918

No. 4187

A copy of the marginally* noted ~~letter, with enclosure~~ note, is forwarded to the District Magistrate C.M. Station of Bangalore, for information with reference to his letter No. 2526, dated the 18th April 1918.

*No. /573-IB dated the 30th May 1918, of from the Govt of India Foreign & Pol. Dept., making a further modification in the Workmen's Breach of Contract Act as applied to the State

5.12/a

5.10

O/c

First Assistant Resident.

CAS. 5/6/18

AS 5/6.